

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6408**

**BILL NUMBER:** HB 1112

**NOTE PREPARED:** Apr 4, 2013

**BILL AMENDED:** Mar 25, 2013

**SUBJECT:** Write-in Candidates.

**FIRST AUTHOR:** Rep. Hamm

**FIRST SPONSOR:** Sen. Paul

**BILL STATUS:** As Passed Senate

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) *Write-in Candidates*- The bill provides that a write-in candidate for an elected office may not claim affiliation with a political party in the state whose nominee received at least two percent (2%) of the total vote cast for Secretary of State (SOS) at the most recent election for Secretary of State.

*New Prohibition*- The bill prohibits a person from falsely representing in the preparation, distribution, or broadcast of paid political advertising or campaign material that a write-in candidate for certain elected offices is affiliated with a political party whose nominee for SOS received at least 2% of the vote in the most recent election for SOS.

*Civil Penalty*- The bill provides that the Indiana Election Commission (Commission) or a county election board (CEB) may impose a civil penalty of not more than \$500 for a violation. The bill permits the Commission or a CEB, in enforcing this prohibition, to consider evidence that a communication used the name of a political party or a symbol commonly associated with a political party.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:** *Write-in Candidates*- The Election Division would need to confirm that a write-in candidate has not designated party affiliation with a party that received at least 2% of the vote total in the most recent SOS election. It is likely that this provision would not significantly increase the administrative time necessary to complete the review of write-in candidate 'declaration of intent' forms.

*Background Information-* The most recent election of the SOS occurred during the 2010 general election. Three political parties had at least 2% of the total vote for the SOS during the election.

**Explanation of State Revenues:** (Revised) *Civil Penalty-* This provision could, depending on Election Commission action, increase state revenue from additional civil penalties. The increase in revenue is indeterminable and would rely on the future decisions of the Election Commission. The impacted fund is the state Campaign Finance Enforcement Account.

*Additional Information-* The state Campaign Finance Enforcement Account had a total assets amount of \$27,120 at the close of FY 2012.

**Explanation of Local Expenditures:** *Write-in Candidates-* The county election board (CEB) would need to confirm that a write-in candidate has not designated party affiliation with a party that received at least 2% of the vote total in the most recent SOS election. It is likely that this provision would not significantly increase the administrative time necessary to complete the review of write-in candidate 'declaration of intent' forms.

**Explanation of Local Revenues:** (Revised) *Civil Penalty-* This provision could, depending on CEB action, increase local county revenues from additional civil penalties. The increase in revenue is indeterminable and would rely on future decisions of CEB's. Revenue from local election civil penalties is placed in the county's campaign finance enforcement account.

**State Agencies Affected:** Indiana Election Division, Indiana Election Commission.

**Local Agencies Affected:** County election boards.

**Information Sources:** Indiana Election Division: *2010 Indiana Election Report*; *State Auditor's Trial Balance Run 6-30-2012*.

**Fiscal Analyst:** Chris Baker, 317-232-9851.